

CONNECTICUT SENTENCING COMMISSION

Regular Meeting

Thursday, September 17, 2015

3:30 – 5:00 p.m.

Legislative Office Building, Room 1A

300 Capitol Avenue

Hartford, CT

Minutes

Members Present: David M. Borden (Chair), Patrick L. Carroll, Robert J. Devlin, Jr., Vivien K. Blackford, Kevin Kane, Maureen Price-Boreland, Natasha Pierre, Scott Semple, Gary White, Thomas Kulhawik, Susan O. Storey, Thomas J. Ullmann, Carleton Giles, Mark A. Palmer, Robert Farr, David Shepack, Dr. Michael Norko (on behalf of Miriam Delphin-Rittmon).

Members Absent: Mike Lawlor (Vice-Chair), William R. Dyson, John Santa, Dora B. Schriro, Stephen Grant, Tracey L. Meares.

Staff: Andrew Clark (Acting Executive Director), Leland J. Moore, Renee La Mark Muir

I. MEETING CONVENED

Justice Borden called the meeting to order at approximately 3:35 p.m.

II. APPROVAL OF THE MINUTES FROM THE MEETING OF MARCH 19, 2015

Carleton Giles moved to approve the minutes from the March 19th meeting. The minutes were approved by a unanimous voice vote.

III. RESOLUTIONS:

A. Proposal Formatting Changes

Atty. Moore explained that the Commission will utilize a resolution-based model for commission actions, proposals, and recommendations moving forward. The new model will improve the Commission's ability to track and archive commission action in the future.

B. Resolution Regarding State v. DeCiccio (R:2015-03)

Judge Devlin explained that the Sentencing Structure, Policy, and Practices Committee's recommendation regarding State v. DeCiccio, 315 Conn. 79 (2014) had been modified to address the ambiguity in drafting and subsequently approved by the Committee. Judge Devlin moved that resolution 2015-03 be adopted. The resolution was adopted by consensus.

CONNECTICUT SENTENCING COMMISSION

C. Resolution Regarding the Pew-MacArthur Results First Initiative (R: 2015-01)

Mr. Clark provided an overview of the resolution, the Pew-MacArthur Results First Initiative, and the how the Commission could benefit from a partnership. Justice Borden moved that resolution 2015-01 be adopted. The resolution was adopted by consensus).

D. Resolution Regarding a Study of Need and Risk-Based Sentencing (R: 2015-02)

Atty. Ullmann presented the Research Committee's proposal to invite researchers to conduct a study comparing pre-sentence risk and needs assessments with actual sentences imposed (R:2015-02). He explained that the Research Committee has worked on this proposal for several years and felt that the time was right to submit it to the Commission for consideration.

Discussion:

- Judge Carroll asked for clarification on the study's direction and whether it signified a step toward the creation of sentencing guidelines. Atty. Ullmann replied that the proposed study is not intended to investigate the feasibility of pursuing a guidelines system in Connecticut or as a means to hinder judicial independence.
- Judge Devlin asked why the dataset containing an individual's arrest and incarceration events would be limited to events that occurred two years prior to sentencing. Judge Devlin noted that superior court judges often look beyond this two-year period when reviewing an individual's arrest and incarceration events. He suggested that the two year constraint be removed from the invitation for proposals.
- Atty. Kane echoed Judge Devlin's remarks regarding the two-year time limitation on the dataset.

Atty. Kane moved that the invitation be amended to remove the two year limitation on the dataset. Atty. Ullmann accepted the amendment as friendly ("...will also include each individual's arrest and incarceration events for two or more years prior to sentencing...") and moved that resolution 2015-02 be adopted as amended. The resolution, as amended, was adopted by consensus.

IV. EXECUTIVE DIRECTOR'S REPORT

A. Executive Director Search Update

Mr. Clark updated the Commission on the status of the search process for the full-time executive director position.

B. 2015 NASC Conference

Atty. Moore presented on the 2015 National Association of Sentencing Commissions' Conference.

C. 2015 ABA Annual Meeting

CONNECTICUT SENTENCING COMMISSION

Atty. Moore presented on the 2015 Annual Meeting of the American Bar Association.

D. Certificates of Employability Evaluation

Renee La Mark Muir provided an update on the progress of the longitudinal evaluation mandated by Public Act 14-27.

V. COMMITTEE REPORTS

A. Steering

Nothing to report.

B. Special Committee on Sex Offenders

Mr. Clark provided an update on the work of the Special Committee on Sex Offenders and noted that a study scope was in the process of being developed.

C. Victim Notification Working Group

Atty. Pierre provided an update on the activities of the Victim Notification Working Group. The Working Group has a meeting scheduled for October 7th.

D. Research Committee

Atty. Ullmann commented on the ongoing activities of the Research Committee.

E. Sentencing Structure, Policy, & Practices Committee

Judge Devlin reported that the Sentencing Structure, Policy, & Practices Committee is examining the claim of right defense to robbery in light of the Connecticut Supreme Court's ruling in *State v. Tremaine Smith*, 317 Conn. 338 (2015).

F. Recidivism Reduction Committee

Maureen Price-Boreland reported that the Recidivism Reduction Committee continues to work with the Research Committee to collect data from the Department of Correction on recidivism and inmate education.

D. Legislative Committee:

Nothing to report.

VI. OTHER BUSINESS

Mr. Clark noted that Mike Lawlor was called to Washington, D.C. on short notice and apologizes for his absence.

VII. MEETING ADJOURNED

CONNECTICUT SENTENCING COMMISSION

The meeting adjourned at approximately 4:32 p.m.

2015 Commission Schedule

Meetings: **December 17**
 (Time: 2-4pm; Location: Legislative Office Building)

Public Hearing: **October 22** (Time: 10am; Location: Legislative Office Building)

DRAFT